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6 IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
7 IN AND FOR THE COUNTY OF KING

8
9 BETH A. ROCHA,

10 Plaintiff,

No. _____

11 v.

12 CITY OF SEATTLE,

13 Defendant.

14
15 PLAINTIFF'S COMPLAINT FOR
16 DAMAGES

17
18 **I. PRELIMINARY STATEMENT**

19 This is an action for discrimination in employment under the Washington Law Against
20 Discrimination, RCW 49.60 *et seq.* Plaintiff Beth A. Rocha (hereinafter "Ms. Rocha") worked for
21 the City of Seattle, Seattle City Light (hereinafter "City Light"). City Light engaged in sex
22 discrimination against Ms. Rocha by subjecting her to a hostile work environment during her
23 period of employment with City Light.

24
25 **II. JURISDICTION AND VENUE**

26 This action arises from City Light's subjecting Ms. Rocha to pervasive sexual harassment.
The incidents giving rise to these actions occurred in Seattle, Washington. This Court has personal

1 jurisdiction over Ms. Rocha and City Light. Jurisdiction is vested in this Court under RCW
2 208.010 and RCW 49.60.030. King County is the proper venue for this action. RCW 4.12.020.

3 **III. PARTIES**

4 3.1 Ms. Rocha resided in King County, Washington at all times material hereto.

5 3.2 City Light is a utility owned by the City of Seattle and conducts business in King
6 County, Washington.

7 3.3 City Light is an “employer” within the meaning of RCW 49.60.040(11).

8 **IV. FACTUAL ALLEGATIONS**

9 4.1 Ms. Rocha realleges and incorporates herein the facts and allegations contained in
10 Sections I through III, including all subparagraphs.

11 4.2 Ms. Rocha is female. City Light hired Ms. Rocha as a temporary employee in 2009.
12 In 2011, City Light hired Ms. Rocha in a full-time, permanent position.

13 4.3 Ms. Rocha worked in City Light’s Customer Energy Solutions (hereinafter “CES”)
14 as an Assistant Energy Management Analyst. Starting in or about December 15, 2015, Ms. Rocha
15 worked for approximately six months in an out-of-class assignment with Seattle Department of
16 Transportation. Ms. Rocha returned to City Light CES in June 2016.

17 4.4 Ms. Rocha sustained numerous incidents of sexually hostile and denigrating
18 conduct in the workplace from several co-workers, supervisors, and managers. Ms. Rocha gave
19 City Light notice of this conduct to City Light management and human resources. Although City
20 Light investigated a few complaints, it refused to investigate several of Ms. Rocha’s complaints
21 and failed to interview corroborating witnesses. City Light took no remedial actions on any of her
22 complaints.

1 4.5 In or about 2009, Ms. Rocha attended a work-related conference. At the after-
2 conference happy hour, Kanwalpreet Sidhu (hereinafter “Mr. Sidhu”), at the time a City Light
3 Energy Management Analyst, groped Ms. Rocha on the breast and buttocks. Later, City Light
4 promoted Mr. Sidhu to a supervisory position in CES.

5 4.6 Between 2011 and 2016, Mr. Sidhu asked at least two female employees, including
6 Ms. Rocha, when they would have sex with him.

7 4.7 Between 2011 and 2015, Mr. Sidhu showed Ms. Rocha several suggestive images.
8 The images included a video depicting animal sex, a photo of a City Light CES male co-worker’s
9 wife on a bondage website with minimal clothing, and a text message with a photo sent to him by
10 another City Light CES male co-worker of a woman standing on the bus in a skirt, taken from
11 behind and a seated position with the message of something to the extent of great view on bus ride
12 to work.

13 4.8 In or about 2013, a male supervisor touched Ms. Rocha’s thigh during a meeting.
14 Ms. Rocha reported the inappropriate touching to Mr. Sidhu after the supervisor had retired. At
15 the time, Mr. Sidhu was the union shop steward responsible for assisting employees with
16 workplace issues. Yet, between 2014 and 2017, apparently mocking Ms. Rocha’s concerns about
17 being inappropriately touched in the workplace, Mr. Sidhu made grabbing motions at Ms. Rocha
18 on several occasions when she spoke to him in his cubicle.

19 4.9 In the summer of 2014, Craig Smith, a City Light Director asked Ms. Rocha, after
20 having seen her in public with a former planning department colleague/friend (male) of hers,
21 whether or not the colleague ever gave her massages.

22 4.10 In 2014, a male co-worker asked Ms. Rocha if she wanted to “get on the pole
23 sometime.”

1 4.11 In 2014, a male co-worker wrapped his arm around Ms. Rocha's waist and pulled
2 her toward him at a neighborhood event.

3 4.12 In 2015, a male co-worker commented on Ms. Rocha's "birthday suit."

4 4.13 In 2015, a male co-worker grabbed Ms. Rocha's hair and flipped it around.

5 4.14 In 2016, several co-workers asked Ms. Rocha why she was hanging out with a co-
6 worker about whom they frequently referred to as the "virgin."

7 4.15 On or about June 22, 2016, Ms. Rocha sat in a waiting area in the Seattle Municipal
8 Tower awaiting to interview for a promotional opportunity at City Light. Mr. Sidhu came to get
9 Ms. Rocha for the interview. As Ms. Rocha and Mr. Sidhu walked toward the room where the
10 interview was to be held, Mr. Sidhu asked Ms. Rocha what color panties she was wearing that day.
11 Mr. Sidhu was one of the interviewers for Ms. Rocha's interview that immediately followed Mr.
12 Sidhu's question about Ms. Rocha's underwear.

13 4.16 A few months after the interview on or about June 22, 2016, Ms. Rocha interviewed
14 for another position at City Light. Mr. Sidhu was again on the interview committee. Although a
15 manager informed Ms. Rocha that her interview went very well, he mentioned that Mr. Sidhu
16 complained that Ms. Rocha failed to answer an interview question.

17 4.17 In or about November 2016, Ms. Rocha's male co-worker alluded to the size of his
18 penis when talking about his hand size.

19 4.18 On or about November 30, 2016, while at work, Ms. Rocha overheard a male co-
20 worker say to a female co-worker, "Hey smile." Ms. Rocha emailed him a link to an internet site
21 regarding asking women to smile. The co-worker responded by email asking Ms. Rocha if he
22 could touch her hair—adding a link to a book, "*You Can't Touch My Hair.*"

1 4.19 In or about the work week beginning December 5, 2016 and ending December 9,
2 2016, while at work, Ms. Rocha walked near Mr. Sidhu's work area cubicle. Ms. Rocha
3 acknowledged Mr. Sidhu. In response, Mr. Sidhu made a sexual gesture to Ms. Rocha with his
4 hand and mouth—specifically a gesture simulating cunnilingus. Mr. Sidhu placed one hand in
5 front of his mouth, his fingers spread in a "V" shape. He then extended his tongue between the
6 "V" -shape created by his fingers and wiggled his tongue.

7 4.20 In or about the week of December 12, 2016, while at work, Mr. Sidhu approached
8 Ms. Rocha in the lunchroom. Mr. Sidhu asked what was going on with Ms. Rocha. Ms. Rocha
9 replied that she was making tea. When Mr. Sidhu persisted asking how she was doing, she replied
10 that she was feeling a bit of a "womanly attitude" alluding to her reaction to the election of Donald
11 Trump. Mr. Sidhu then asked Ms. Rocha if she was menstruating. Ms. Rocha reported Mr. Sidhu's
12 comment and other sexist comments made to her over the years to City Light Manager Dave
13 Rodenhizer on or about December 23, 2016.

14 4.21 On or about January 5, 2017, while at work, Mr. Sidhu battered Ms. Rocha in front
15 of witnesses. Ms. Rocha was walking down a cubicle aisle ahead of City Light co-worker Robert
16 Swann. Mr. Sidhu was standing at the exit of the cubicle aisle immediately adjacent to the desk
17 then occupied by Richard Krug. As Ms. Rocha passed Mr. Sidhu, Mr. Sidhu intentionally
18 "shoulder checked" Ms. Rocha, forcefully ramming his left shoulder into Ms. Rocha's left
19 shoulder. Mr. Sidhu's shoulder check was forceful enough to nearly knock Ms. Rocha off her feet.

20 4.22 On or about February 8, 2017, a male co-worker attempted to grab Ms. Rocha's
21 leg, then commented that she appeared not to notice his attempt to "touch" her leg.

22 4.23 On or about February 10, 2017 a male co-worker laughingly told Ms. Rocha that it
23 was her "fault" that his pants were wet.

1 4.24 Male co-workers frequently walked up to Ms. Rocha and announced sentiments
2 such as, “you look good.”

3 4.25 After Ms. Rocha complained about sexual harassment in the workplace, the
4 Department Director frequently referred to Ms. Rocha as a “troublemaker.”

5 4.26 Ms. Rocha reported to Mr. Rodenhizer that Mr. Sidhu rammed into her on or about
6 January 5, 2017. When Ms. Rocha mentioned her right to self-defense, Mr. Rodenhizer
7 commented, after looking her up and down, “It doesn’t look like you could do much . . .” reminding
8 her that Mr. Sidhu was a “Merchant Marine” who knows how to fight.

9 4.27 On or about December 8, 2016, a City Light female employee sent an email to
10 several other female employees in which she described several demeaning experiences that she
11 attributed to her gender. The female employee indicated that she had given City Light management
12 notice of the harassment, but management was unresponsive to her complaints. In the email, the
13 female employee encouraged other female employees who endured similar insults to speak up to
14 the perpetrators. In response, Ms. Rocha and several other City Light female employees responded
15 with examples of demeaning experiences they had in the workplace with co-workers and
16 managers.

17 4.28 Ms. Rocha and two other female employees circulated a complaint/petition to the
18 effect that the City Light tolerated sexual harassment and denigration of female employees in the
19 workplace. Forty-two employees signed the complaint/petition. When Ms. Rocha asked one co-
20 worker if he wanted to sign, he asked when she was going to have a petition for the men in the
21 office.

22 4.29 Ms. Rocha repeatedly notified higher level managerial or supervisory personnel
23 and City Light Human Resources of many of the incidents of sexual harassment and hostile work

1 environment she experienced in the workplace. City Light Human Resources failed to investigate
2 several of Ms. Rocha's claims, such as Mr. Sidhu's repeated requests to have sex. Many of her
3 other claims were dismissed as unfounded.

4 4.30 Ms. Rocha brought her accounting and the stories of seven other female City Light
5 employees who had been sexually harassed at work to the Seattle Women's Commission at a
6 public meeting in or about June 2017. She also complained to the Seattle Department of Human
7 Resources about the workplace harassment at City Light.
8

9 4.31 Upon information and belief, City Light took no remedial actions as a result of Ms.
10 Rocha's sexual harassment/hostile work environment notice. Any remedial actions that may have
11 been taken were not reasonably calculated to end the on-going harassment.
12

13 4.32 Mr. Sidhu lodged a specious complaint against Ms. Rocha after she notified City
14 Light of his pervasive harassment of her and of other female employees in the workplace. Among
15 other complaints against Ms. Rocha, Mr. Sidhu claimed she violated workplace policies when she
16 told co-workers that he advertised himself on a dating website. He also falsely claimed that Ms.
17 Rocha threatened his wife and/or family.
18

19 4.33 Instead of determining that Mr. Sidhu's complaint was retaliatory, City Light
20 engaged an outside investigator and subjected Ms. Rocha to interrogation about the complaint(s)
21 of her harasser. Despite the obvious retaliatory nature of the specious complaints made by Mr.
22 Sidhu, Ms. Rocha was immediately issued a workplace relocation letter pursuant to Mr. Sidhu's
23 complaints.
24

25 4.34 The harassment was unwelcome, pervasive, and it adversely affected the terms and
26 conditions of Ms. Rocha's employment at City Light.
26

4.35 The atmosphere at City Light was so intolerable to Ms. Rocha that she was constructively discharged from her position.

4.36 Ms. Rocha filed an Administrative Claim for Damages pursuant to RCW 4.96.020 on or about January 24, 2018. More than sixty calendar days have elapsed since she filed the tort claim with the City of Seattle.

V. CAUSE OF ACTION

5.1 Ms. Rocha realleges and incorporates herein the facts and allegations contained in Sections I through IV, including all subparagraphs.

5.2 City Light discriminated against Ms. Rocha because of her sex—specifically by subjecting her to a hostile work environment—in violation of RCW 49.60 *et seq.*

5.3 As a direct and proximate cause of City Light's discriminatory actions, Ms. Rocha has suffered and will continue to suffer damages for economic losses and emotional distress in an amount to be proved at trial.

VI. PRAYER FOR RELIEF

Wherefore, Plaintiff prays that the Court:

1. Award Plaintiff all the damages to which she is entitled, including but not limited to all wage loss, emotional distress, special, general, compensatory, and/or other damages pursuant to RCW 49.60 *et seq.*, RCW 49.48.030, and as otherwise authorized by law;

2. Award Plaintiff front pay:

3. Award Plaintiff her reasonable attorney fees and costs of litigation pursuant to RCW 49.60.030 and RCW 49.48.030, and as otherwise authorized by law;

4. Award Plaintiff pre-litigation interest, in an amount to be proved at trial;

5. Award Plaintiff post-litigation interest on her judgment:

1 6. Award Plaintiff tax consequences relief as provided by law; and
2 7. Award Plaintiff such other relief as the Court deems just and proper.

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6 Dated this 30th day of July, 2018.

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